

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AURELIO MARTINEZ
RODRIGUEZ,

Petitioner,

v.

BRIAN BIRKHOLZ, Warden FCC
Lompoc,

Respondent.

Case No. 2:24-cv-01579-FMO-PD

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
UNITED STATES
MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of United States Magistrate Judge. No objections to the Report and Recommendation have been filed.¹

¹ On January 28, 2025, the Report and Recommendation was mailed to the address listed on the Petition, which was FCC Lompoc II, in Lompoc, California. [Dkt. No. 12.] On February 13, 2025, the Report and Recommendation was returned from FCC Lompoc II with a notation “RETURN TO SENDER—UNABLE TO FORWARD.” [Dkt. No. 13.] According to the Federal Bureau of Prisons Inmate Locator, Petitioner is no longer in BOP custody as of January 31, 2025. *See* Fed. R. Evid. 201; Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/> (last visited on February 27, 2025). Local Rule 41-6

1 The Court accepts the Magistrate Judge's Report and adopts it as its
2 own findings and conclusions. Accordingly, the Petition is dismissed with
3 prejudice.

4 DATED: March 5, 2025

5 _____/s/
6 HON. FERNANDO M. OLGUIN
7 UNITED STATES DISTRICT JUDGE
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23 requires a party representing himself to "keep the Court ... apprised of such party's
24 current address and telephone number, if any, and e-mail address, if any." It allows
25 for dismissal of lawsuits for failure to comply with the rule: "If mail directed by the
26 Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal
27 Service, and if, within fourteen (14) days of the service date, such plaintiff fails to
28 notify, in writing, the Court and opposing parties of said plaintiff's current address,
the Court may dismiss the action with or without prejudice for want of prosecution."
Local Rule 41-6. Accordingly, Petitioner's failure to provide the Court with his
current address also warrants dismissal of the Petition.